

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/5 Cross Creek Court, 665' NE of Philpot Road, 665' NE (8 Cross Creek Court) * ZONING COMMISSIONER
10th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 88-418-A
Michael D. Walden, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a front yard setback to the centerline of the road of 75 feet in lieu of the required 100 feet and to amend the 3rd Amended Partial Development Plan of Lot #12 "Cross Creek Plat Two" to permit construction outside the building envelope, for a proposed dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was J. Finley Ransone, registered land surveyor. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of May, 1988 that a front yard setback to the centerline of the

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 13, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Michael D. Walden
10871 Sandringham Road
Cockeysville, MD 21030

Item No. 270 - Case No. 88-418-A
Petitioner: Michael D. Walden, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Walden:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: J. Finley Ransone & Associates
Registered Land Surveyors
P.O. Box 10160
Towson, Maryland 21285-0160

road of 75 feet in lieu of the required 100 feet and to amend the 3rd Amended Partial Development Plan of Lot #12 "Cross Creek Plat Two" to permit construction outside the building envelope for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner of
Baltimore County

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., March 21, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 31, 1988

THE JEFFERSONIAN,

Luan Scudder Obrecht
Publisher

\$37.50

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case Numbers 88-418-A
NW/5 Cross Creek Court, 665' NE Philpot Road
(8 Cross Creek Court)
10th Election District - 3rd Councilmanic District
Petitioner(s): Michael D. Walden, et ux
HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

Variances to permit a front yard setback of 75 feet to the centerline of the road in lieu of the required 100 feet and to amend the 3rd amended partial development plan of Lot 12 "Cross Creek Plat Two" to allow construction outside the building envelope.

To the extent that this Petition is granted, a building permit may be issued within one year will, however, entertain during this period for good and valid in this office by the date

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 4/13/88 ACCOUNT: 21419
AMOUNT: \$ 25.00
RECEIVED FROM: J. Finley Ransone & Associates
FOR: Finance Fee To Haines from 270
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03-A-B-4 To permit a front yard set back of 75 feet to the centerline of the road in lieu of the required 100 feet and to amend the 3rd amended partial development plan of Lot 12 of "Cross Creek Plat Two" to allow construction outside the building envelope. Due to the severity of the Topography of this Lot the only area in which to construct a dwelling that will meet the covenants, restrictions and economic standards of the neighborhood is as shown on the attached survey. The topography requires that the construction of any dwelling be parallel to the contour line of the ground. Construction of a dwelling perpendicular to the contour's would require extensive grading of the Lot, placement of the dwelling on controlled fill thereby causing severe economic and personal hardship on the owner's.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: (Type or Print Name) _____
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
J. Finley Ransone
P.O. Box 10160
Towson, MD 21285-0160 666-7448

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of May, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of April, 1988, at 2 o'clock P.M.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Michael D. Walden
10871 Sandringham Road
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance
Case Numbers 88-418-A
NW/5 Cross Creek Court, 665' NE Philpot Road
(8 Cross Creek Court)
10th Election District - 3rd Councilmanic District
Petitioner(s): Michael D. Walden, et ux
HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Walden:

Please be advised that this is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 4/17/88 ACCOUNT: 71427
AMOUNT: \$ 71.43
RECEIVED FROM: J. Finley Ransone & Associates
FOR: Finance Fee To Haines from 270
VALIDATION OR SIGNATURE OF CASHIER



J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. Box 10160
TOWSON, MARYLAND
21285-0160

656-7448

ZONING DESCRIPTION NO. 8 CROSS CREEK COURT

Beginning on the northwest side of Cross Creek Court at the distance of 665.0 feet northeasterly from the center line of Philpot Road. Being Lot No. 12 in the subdivision known as Cross Creek Plat Two and recorded in Platbook No. 52, Folio 136. Also known as No. 8, Cross Creek Court in the Tenth Election District of Baltimore County, Maryland.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1074 Date of Posting: 4/18/88
Posted for: Haines
Petitioner: Michael D. Walden, et ux
Location of property: NW/5 Cross Creek Ct., 665' NE Philpot Rd.
Location of Sign: NW/5 Cross Creek Ct., 665' NE Philpot Rd.
Remarks: Property of J. R. Haines
Posted by: J. R. Haines Date of return: 4/18/88
Number of Signs: 1

Office of PATUXENT Publishing Company

10750 Little Patuxent Parkway
Columbia, MD 21044

April 6 1988

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:
☐ Catonsville Times ☐ Booster Weekly
☐ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier

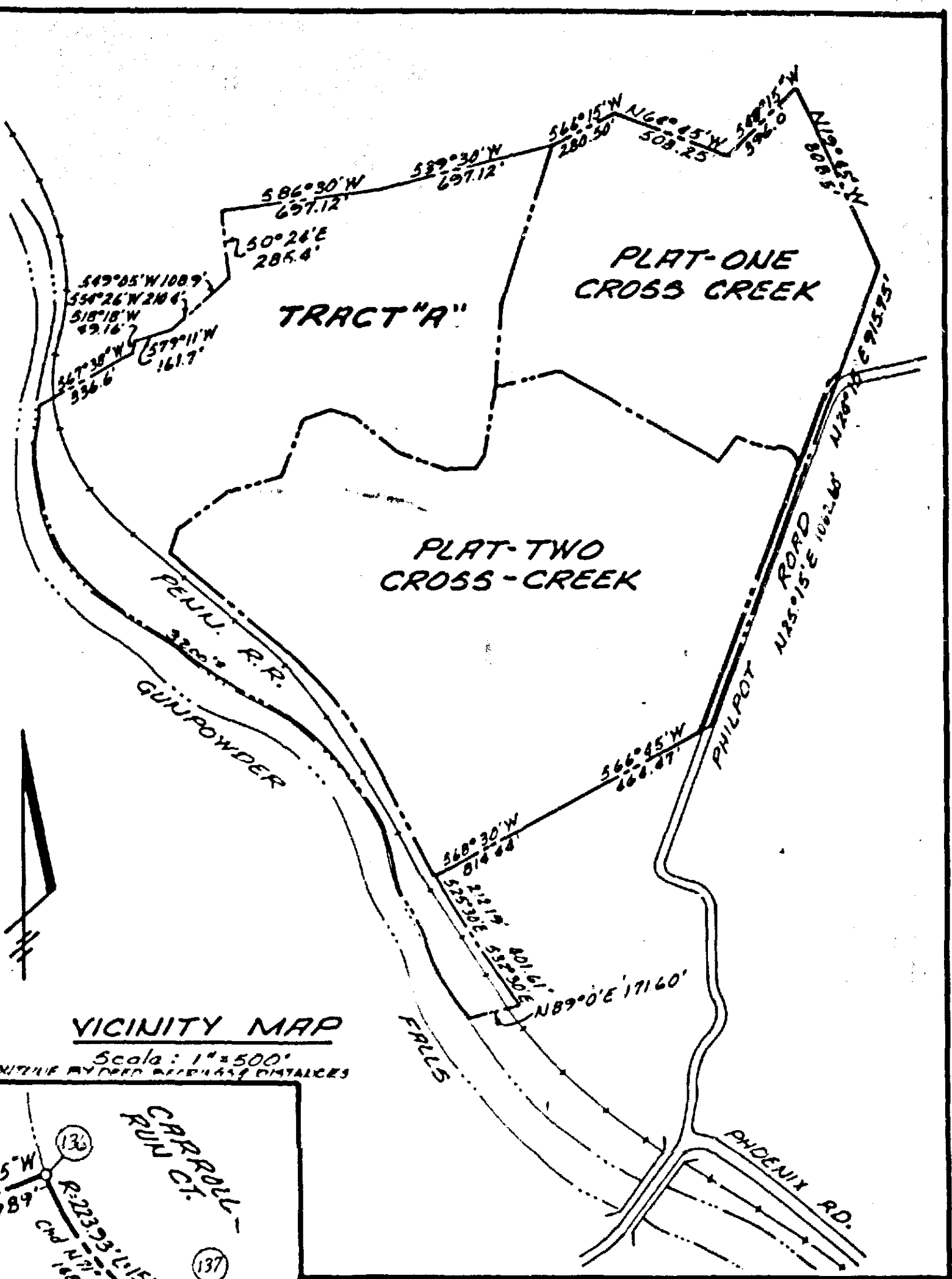
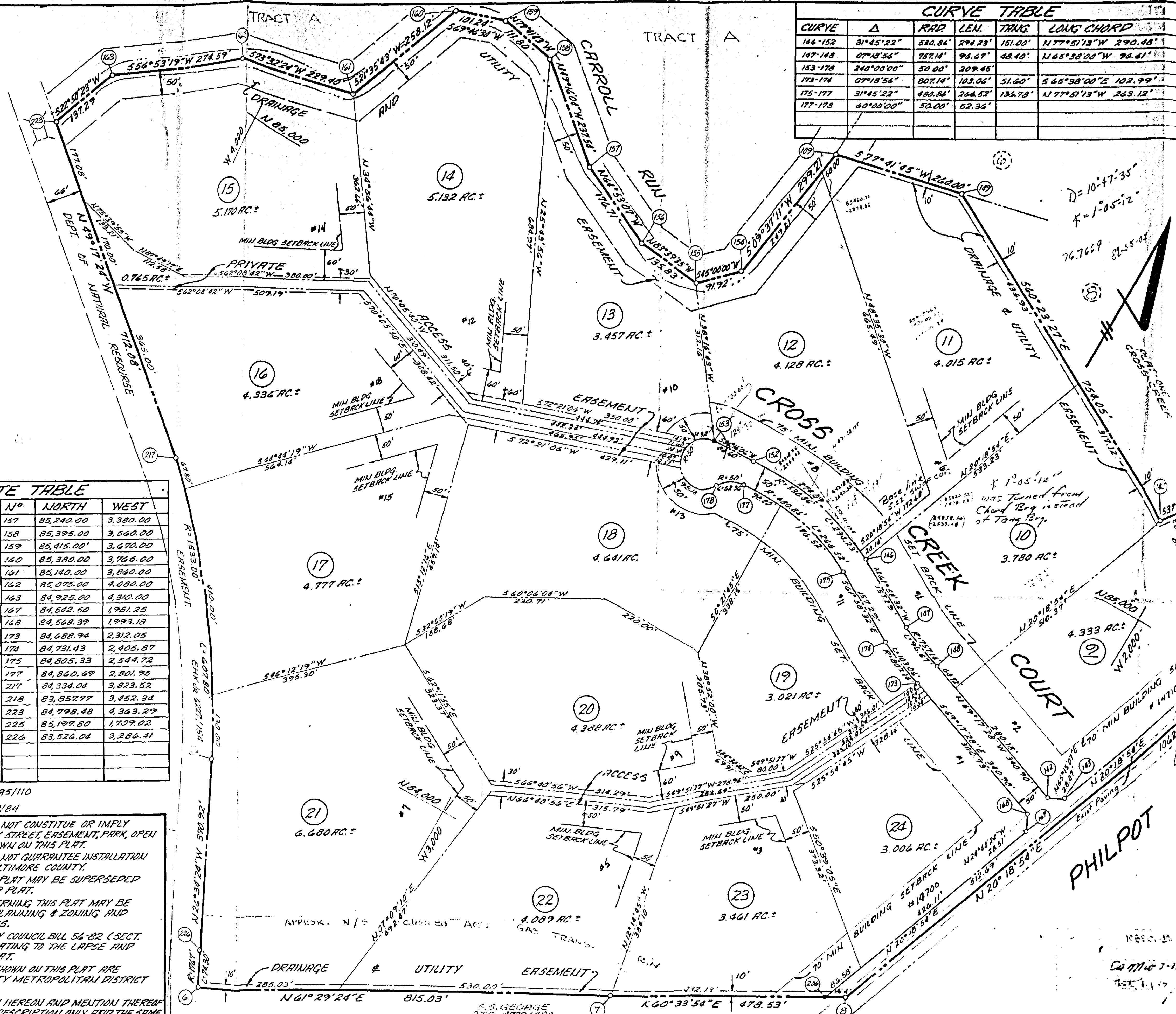
weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the day of April 1988, that is to say, the same was inserted in the issues of

March 31, 1988

PATUXENT PUBLISHING COMPANY
By: J. R. Haines

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

CERTIFICATE OF PUBLICATION OF



COORDINATE TABLE					
N°	NORTH	WEST	N°	NORTH	WEST
4	83,460.31	3,251.78	157	85,240.00	3,380.00
6	83,469.34	2,535.59	158	85,395.00	3,560.00
8	84,084.51	2,113.83	159	85,415.00	3,670.00
9	85,081.01	1,749.92	160	85,380.00	3,765.00
109	85,510.00	2,970.00	161	85,140.00	3,840.00
136	85,295.45	1,981.00	162	85,075.00	4,080.00
137	85,249.00	1,839.63	163	84,925.00	4,310.00
138	86,233.82	1,750.05	167	84,542.50	1,981.25
139	85,207.71	1,737.32	168	84,568.39	1,993.18
140	85,192.85	2,060.39	173	84,688.94	2,312.05
141	84,714.23	2,237.58	174	84,731.43	2,405.87
142	84,615.15	1,975.50	175	84,805.33	2,544.72
143	84,249.90	1,950.01	177	84,860.69	2,801.95
144	85,091.18	1,778.13	217	84,334.04	3,823.52
146	84,849.47	2,521.23	218	83,857.77	3,452.34
147	84,775.54	2,382.38	223	84,798.48	4,363.29
152	84,910.59	2,805.20	225	85,197.80	1,709.02
153	84,904.95	2,891.62	226	83,526.04	3,286.41
154	85,215.00	3,020.00			
155	85,150.00	3,085.00			
156	85,165.00	3,220.00			

DEED REFERENCE WPC 495/110
PLAN APPROVAL DATE 10/17/84

THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE, BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.

THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.

THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING & ZONING AND DEPARTMENT OF PUBLIC WORKS.

THIS PLAT IS SUBJECT TO COUNTY COUNCIL BILL 56-82 (SECT. 22-68) OF THE COUNTY CODE RELATING TO THE LAFSE AND REVOCATION OF A RECORD PLAT.

BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE REFERRED TO BALTIMORE COUNTY METROPOLITAN DISTRICT GRID.

STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS.

HIGHWAY & HIGHWAY WIDENING, SOPE, DRAINAGE & UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MD. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID EASES BY DEED TO BALTIMORE COUNTY, MD. AT NO COST.

FOR PAUHAUPE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PAUHAUPE AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT ONTO THE PAUHAUPE LOT DRIVEWAY.

DEPARTMENT OF PUBLIC WORKS
APPROVED FOR STREET ALIGNMENT & LOCATION
DATE 3/22/85
DIRECTOR

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
DATE 4/2/85
DEPUTY STATE & COUNTY HEALTH OFFICER

APPROVED FOR BALTIMORE COUNTY
DATE 4/13/85
DIRECTOR OF PLANNING & ZONING

OWNER'S CERTIFICATE:
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MARKING OF THIS PLAT AND SETTING OF THE MARKERS.

DATE 3/21/85
OWNER

SURVEYOR'S CERTIFICATE:
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT & THAT THE LAND SHOWN ON THIS PLAT HAS BEEN Laid OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MARKING OF THE PLAT AND THE SETTING OF THE MARKERS.

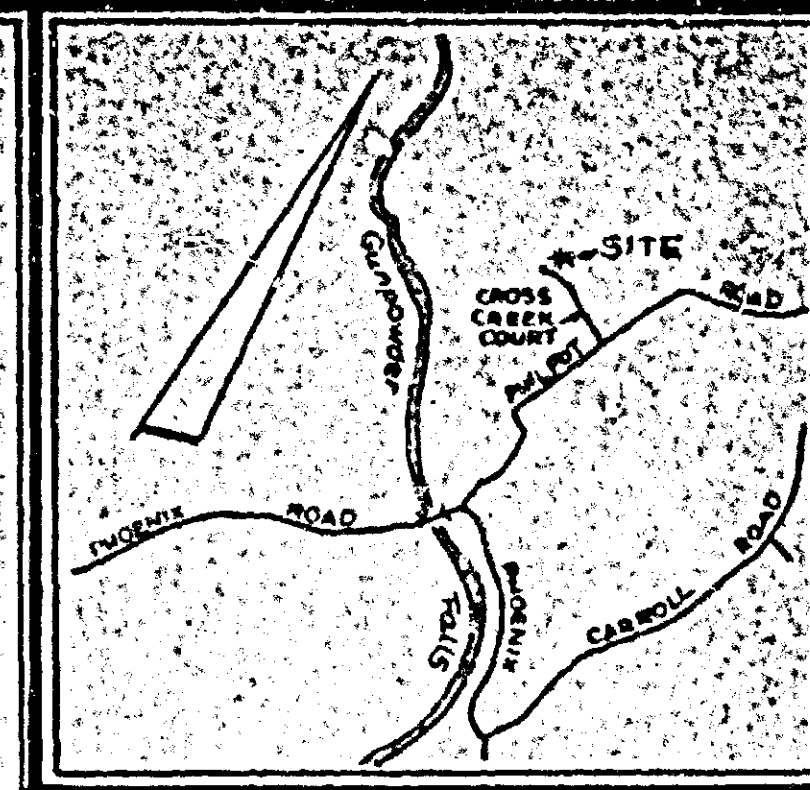
DATE 3-5-85
REG. LAND SURVEYOR

PETITIONER'S
EXHIBIT 4
E.F. RAPHEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS

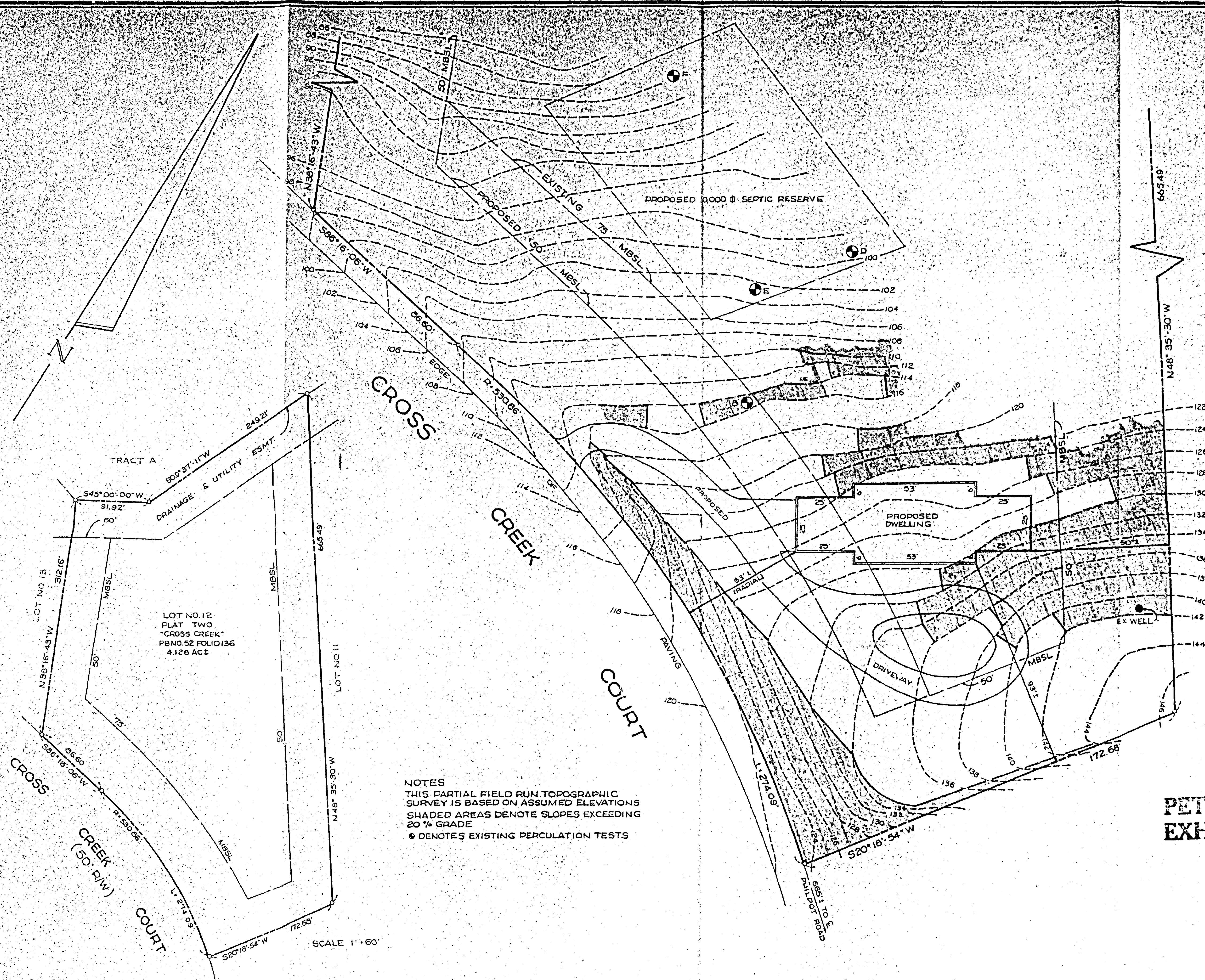
201 COURTLAND AVE.
TOWSON, MARYLAND
21204

PLAT-TWO
CROSS CREEK
10TH ELECT. DIST. - BALTIMORE COUNTY, MARYLAND
DATE: FEBRUARY, 1985

Scale: 1"=100'



VICINITY MAP
1" = 2000'



NOTES
THIS PARTIAL FIELD RUN TOPOGRAPHIC SURVEY IS BASED ON ASSUMED ELEVATIONS
SHADED AREAS DENOTE SLOPES EXCEEDING 20 % GRADE
● DENOTES EXISTING PERCUATION TESTS

PLAT OF A SURVEY
TO ACCOMPANY PETITION
FOR
ZONING VARIANCE
LOT NO. 12
8 CROSS CREEK COURT
PLAT TWO
"CROSS CREEK"
PB NO. 52 FOLIO 136
10TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
CURRENT ZONING RC-4

PETITIONER'S
EXHIBIT 1

SCALE: 1" = 20'	DATE: 12-14-87
J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7043	
J# 8707-331	F# 108-C42